

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Senthil Kumar, *et al.*
Serial No.: 10/035,921
Filed: October 27, 2001
Title: REMOTELY CONFIGURABLE MEDIA AND ADVERTISEMENT
PLAYER AND METHODS OF MANUFACTURE AND
OPERATION THEREOF
Grp./A.U.: 3622
Examiner: John W. Van Bramer
Confirmation No.: 2210

Mail Stop Appeal Brief-Patents

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<u>August 25, 2009</u>	(Date)
<u>Debbie Sams</u>	
(Printed or typed name of person signing the certificate)	
<u>/Debbie Sams/</u>	
(Signature of the person signing the certificate)	

Sir:

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

In response to the Examiner's Answer mailed June 25, 2009, the Appellants submit this
Reply Brief as required by 37 C.F.R. §41.41.

I. Reply to Examiner's Arguments

In the Examiner's Answer of June 25, 2009, the Examiner, citing new portions of Hite, asserts that Hite teaches:

“Whether using the VOD system, or a Television broadcast which allows the user to request a single channel from a number of channels as disclosed in Col 8, lines 7-11, the transmission, storage, and playing of the media is in response to a customer request.”

(See pages 13-14 of the Examiner's Answer of June 25, 2009.)

However, Claims 1, 8, and 15 also recite that media is played in response to customer requests that are constrained by playback rules which select media content to distributed, received, and stored among a plurality of media player and that at least some different media is stored in different media players according to the playback rules.

As the Examiner points out, Hite teaches distributing media to a plurality of media players. However, the Appellants fail to find where Hite teaches distributing at least some different media to different media players based on playback rules.

In the Examiner's Answer of June 25, 2009, the Examiner states:

“Therefore, it is clear that Hite discloses customer requests which are constrained by playback rules, and the limitations of the claims as currently written have been satisfied.”

(See page 15 of the Examiner's Answer of June 25, 2009.)

However, Claims 1, 8, and 15 also recite that advertisements are played according to an advertising schedule dependent upon play of content of media. As argued on page 11 of the Appeal Brief of January 12, 2009, the cited portion of Hite teaches that an algorithm changes from time to time based on the nature of commercials and the demographics of viewers and that as the situation of the viewers change, CIDs appropriate to those viewers also change. As such, Hite teaches that

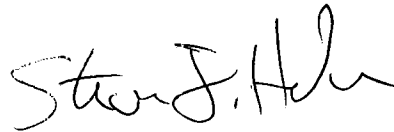
advertisements are played dependent on nature of commercials and demographics of viewers, but not depending on content of media as presently claimed.

II. Conclusion

For the reasons set forth above, Hite does not anticipate the Claims on appeal. Further, the Claims are patentably non-obvious over Hite in view of Noll. Accordingly, the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of all of the Appellants' pending claims.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in black ink, appearing to read "Steven J. Hanke". The signature is fluid and cursive, with the first name "Steven" and last name "Hanke" clearly distinguishable.

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Dated: August 25, 2009

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